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Paper No. 6

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OFFICE OF PETITIONS

In re Application of
Alwan
Application No. 09/775,920
Filed: February 2, 2001
Attorney Docket No. 100.718.419 (MIC-77)
For: METHOD FOR MANUFACTURING A FLAT PANEL DISPLAY USING LOCALIZED WET ETCHING

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(b)

This is in response to the petition under 37 CFR 1.47(b), filed September 24, 2001.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration/statement of facts of Rajesh Vallabh establishes that the inventor was mailed the application papers multiple times, including the specification, claims and drawings, but the inventor refused to accept the mail. By his conduct, the inventor has refused to join in the filing of the application. In addition, petitioner has shown that MicronTechnology, Inc. has a proprietary interest in the above-identified application with the copy of the employment agreement showing that the inventor had an obligation to assign any patent rights to Micron Display Technology, Inc. and with the merger agreement between Micron Display Technology, Inc. and Micron Technology, Inc.. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and petitioner has shown that such action is necessary to prevent irreparable damage.[1]

Pursuant to petitioner's authorization, deposit account no. 08-0219 was charged a $130.00 petition fee, a $130.00 surcharge for filing a late declaration, and a $1,890.00 five month extension of time fee.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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[1] It is noted that the declaration mistakenly lists the sole inventor, James J. Alwan, as the "Third Joint Inventor." This minor, obvious error may be waived by an examiner with full signatory power. See MPEP 602.03.

After this decision is mailed, the above-identified application will be forwarded to the Office of Initial Patent Examination for issuance of a corrected filing receipt. Thereafter the application will be forwarded to Technology Center 2800.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

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for Patent Examination Policy